

COMMONWEALTH OF MASSACHUSETTS

Suffolk, SS.

COMMISSIONER OF BANKS
MORTGAGE LOAN ORIGINATOR
LICENSING
Docket No. 2021-003

In the Matter of
BRAD A. BOWLING

Mortgage Loan Originator
License No. MLO242040

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) ORDER OF REVOCATION
) OF MORTGAGE LOAN
) ORIGINATOR LICENSE
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THIS MATTER comes before the Commonwealth of Massachusetts Division of Banks (Division), by and through its Commissioner, having jurisdiction over the licensing and regulation of persons and entities engaged in the business of a mortgage loan originator in Massachusetts pursuant to Massachusetts General Laws (M.G.L.) chapter 255F, section 2 and its implementing regulation at 209 Code of Massachusetts Regulations (C.M.R.) 41.00 *et seq.*, hereby issues this ORDER OF REVOCATION OF MORTGAGE LOAN ORIGINATOR LICENSE.

FINDINGS OF FACT

1. The Nationwide Multi State Licensing System & Registry (NMLS) is an online licensing system created by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. The NMLS allows individuals to submit mortgage loan originator license applications, renewals, and amendments to multiple state regulators through one online system. The Division requires that mortgage loan originator license applications, requests for renewals, and amendments be submitted via the NMLS pursuant to its authority under M.G.L. 255F, section 2.

2. Brad A. Bowling (Bowling) is licensed by the Commissioner as a mortgage loan originator under Massachusetts General Laws chapter 255F, section 2. According to records maintained on file with the Division and the NMLS, the Commissioner initially issued a mortgage loan originator license, license number MLO242040, to Bowling to engage in the business of a mortgage loan originator on or about February 28, 2018.

3. The Division's regulation 209 CMR 41.05(3)(a) states in part:

The Commissioner shall deny an application for a Mortgage Loan Originator License if the Commissioner upon review of the application and any other relevant information, determines that the Applicant has:

1. Had a mortgage loan originator license revoked in any governmental jurisdiction; provided, however, that a subsequent formal vacation of such revocation shall not be deemed a revocation;

2. Been convicted of, or pled guilty, admitted to sufficient facts or *nolo contendere* to, a felony in a domestic, foreign, or military court: (i) during the 7-year period preceding the date of the application for licensing; (ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or breach of trust, or money laundering; or (iii) has other convictions or admissions to sufficient facts involving fraud, dishonesty, or a breach of trust, or that the applicant has had any adverse civil judgments involving fraudulent dealings;

3. Failed to demonstrate financial responsibility, character, reputation, integrity and general fitness such as to command the confidence of the community and to warrant a determination that such Applicant will operate honestly, fairly, soundly and efficiently in the public interest;

. . .

4. The Division's regulation 209 CMR 41.09 states in part:

A Licensee shall notify the Commissioner immediately, in writing, and amend the Licensee's information and disclosures in the NMLS, within two (2) business days of the occurrence of any of the following significant developments:

(a) Being charged with or convicted of any criminal felony offense.

. . .

(c) Receiving notification of the institution of license denial, cease and desist, suspension or revocation procedures, or other formal or informal regulatory action.

. . .

5. On or about December 23, 2020, Bowling's individual NMLS filing was updated with an uploaded document which included an Amended Plea Agreement dated December 7, 2020. In the Amended Plea Agreement Bowling pleaded guilty to Endangerment, which is classified as a felony under the criminal code of Arizona.

6. On or about February 25, 2021, the Division sent a secure electronic message to Bowling requesting him to contact the Division to discuss the felony plea and revocation of his Nebraska mortgage loan originator license as discussed below.

7. On or about February 25, 2021, the Division set a corresponding license item on Bowling's NMLS record referencing the February 25, 2021 secure electronic message.

8. On or about March 2, 2021, the Division sent an electronic message to Bowling and his employer who sponsored Bowling as a mortgage loan originator for purposes of his Massachusetts mortgage loan originator license, requesting Bowling to contact the Division to discuss the felony plea and revocation of his Nebraska mortgage loan originator license as discussed below.

9. Following communications with the employer through electronic messages and phone calls, a representative of Bowling's employer sent an electronic message to the Division on or about March 4, 2021 stating in part, "I have spoken to my HR group and they indicated that Brad is most likely not able to connect today due to currently being in a situation which precludes him from making phone calls or checking email. I do not have an eta on when he will be back to be able to reach out...".

10. To date, Bowling has not provided a response to the Division's electronic messages or to the license item set by the Division on his NMLS record.

11. To date, Bowling has not updated his Individual Form to answer "Yes" to Criminal Disclosure question F(1) which asks: Have you ever been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any felony?

12. On or about January 11, 2021, the Nebraska Department sent a secure electronic message to Bowling advising him that "Under the Residential Mortgage Licensing Act, any felony conviction is a bar to licensure in Nebraska." The Nebraska Department stated that, in light of this information, Bowling should consider surrendering his current Nebraska mortgage loan originator license until his criminal background check does not reflect a felony conviction. The Nebraska Department notified Bowling he was to respond to a January 11, 2021 secure electronic message by January 25, 2021 or the Nebraska Department may revoke his license.

13. On or about February 25, 2021, based on Bowling's felony plea and failure to respond to the January 11, 2021 secure electronic message, the Nebraska Department Commissioner revoked Bowling's mortgage loan originator license.

14. On or about March 16, 2020¹, based upon the information contained in Paragraphs 1 through 13, Bowling was issued an ORDER TO SHOW CAUSE, NOTICE OF INTENT TO REVOKE, AND NOTICE OF RIGHT TO HEARING (ORDER TO SHOW CAUSE) regarding his Massachusetts mortgage originator loan license, license number MLO242040.

15. The ORDER TO SHOW CAUSE required Bowling to file an answer or otherwise respond to the allegations contained in the ORDER TO SHOW CAUSE within twenty-one (21) days of the effective date of the ORDER TO SHOW CAUSE, pursuant to the Massachusetts Standard Adjudicatory Rules of Practice and Procedure, 801 C.M.R. 1.01(6)(e), and stated that failure to file an answer within 21 days may result in a default judgment against Bowling in the matter of the revocation of his mortgage loan originator license and the issuance of an order of prohibition.

16. The ORDER TO SHOW CAUSE advised Bowling of his right to request a hearing regarding the allegations contained in the ORDER TO SHOW CAUSE within twenty-

one (21) days of the effective date of the ORDER TO SHOW CAUSE, pursuant to M.G.L. chapter 30A, sections 10 and 11, M.G.L chapter 255F, section 11, and the Massachusetts Standard Adjudicatory Rules of Practice and Procedure, 801 C.M.R. 1.01 and 1.03, and stated that failure to request a hearing within 21 days shall be deemed to have consented to the issuance of an order of prohibition in accordance with the ORDER TO SHOW CAUSE.

17. To date, Bowling has not filed an answer or request for a hearing regarding the allegations contained in the ORDER TO SHOW CAUSE.

CONCLUSIONS OF LAW

18. Based upon the information contained in Paragraphs 1 through 17, Bowling pleaded guilty to Endangerment, which is classified as a felony in Arizona. Such a plea is a bar from licensure as a mortgage loan originator under 12 C.F.R. Part 1007 the Secure and Fair Enforcement Mortgage Licensing Act and 209 C.M.R. 41.05(3)(a)(2).

19. Based upon the information contained in Paragraphs 1 through 17, Bowling had a mortgage loan originator license revoked in a governmental jurisdiction, in violation of 209 C.M.R. 41.05(3)(a)(1).

20. Based upon the information contained in Paragraphs 1 through 17, Bowling failed to notify the Commissioner in writing and amend his information and disclosures in the NMLS within two (2) business days of the occurrence of being charged with a felony offense, in violation of 209 C.M.R. 41.09(a).

21. Based upon the information contained in Paragraphs 1 through 17, Bowling failed to notify the Commissioner in writing and amend his information and disclosures in the NMLS within two (2) business days of the occurrence of revocation of his Nebraska mortgage loan originator license, in violation of 209 C.M.R. 41.09(b).

22. Based upon the information contained in Paragraphs 1 through 17, Bowling has failed to demonstrate and maintain the character, reputation, integrity, and general fitness such as to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, soundly and efficiently in the public interest, as a mortgage loan originator, in violation of M.G.L. chapter 255F, section 4 and the Division's regulation 209 C.M.R. 41.04(2)(d).

ORDER

IT IS THEREFORE ORDERED that the Mortgage Originator Loan License of Brad A. Bowling, license number MLO242040, be, and hereby is, revoked.

This ORDER OF REVOCATION OF MORTGAGE LOAN ORIGINATOR LICENSE may be appealed by filing a written petition for judicial review within thirty (30) days after entry of this ORDER OF REVOCATION OF MORTGAGE LOAN ORIGINATOR LICENSE, pursuant to M.G.L. chapter 30A, sections 14 and 15.

BY ORDER AND DIRECTION OF THE COMMISSIONER OF BANKS.

Dated at Boston, Massachusetts, this 17th day of May, 2021.

By: _____

Mary L. Gallagher
Commissioner of Banks
Commonwealth of Massachusetts